

Attorney Docket No. 2473.0018-00000

instructor and presents the combined image to the student. The combined image displays the two images in a side-by-side orientation. Brostedt fails to teach that the video processor superimposes the image of the instructor onto the image of the student.

In contrast, claim 38 recites, among other things, a video controller receiving the instructional signal and the real-time video signal and combining the received signals to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity. Indeed Brostedt teaches the use of a video controller, however, this video controller lacks the capability to combine the images such that a superimposition results. Thus, the video controller recited in claim 38 cannot read on the video controller of Brostedt. Furthermore, to anticipate a claim, a reference must teach each and every element recited in the claim. See MPEP § 2131 (2000 8<sup>th</sup> ed.). Therefore, because Brostedt fails not teach or disclose each and every element of the claimed invention, Brostedt does not anticipate claim 38 and the Examiner should withdraw the rejection.

Independent claim 48 contains subject matter similar to claim 38, so claim 48 is allowable for at least the same reasons given above with respect to claim 38. Claims 39-47 and 49-54 depend from one of independent claims 38 or 48, so they are also allowable for at least the same reasons given above based on this dependency.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 38-54 in condition for allowance. Applicants submit that the proposed amendments of claims 38 and 48 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in

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in the claims as examined. Particularly, in issuing an earlier Office Action another Examiner searched the "superimposed" concept recited in claims. MPEP § 706.04 states "[f]ull faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art." Therefore, the present Examiner should enter this Amendment for immediate action.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 29, 2002

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## APPENDIX TO AMENDMENT OF MARCH 29, 2002

### Version with Markings to Show Changes Made

#### Amendments to the Claims

38. (Amended) A system for providing real-time instructional feedback of a user engaged in an activity comprising:

a video camera forming a real-time video signal of the user engaged in the activity;

a processor generating an instructional signal;

a video controller for receiving the instructional signal and the real-time video signal and combining the received signals to form a composite video signal [so that the resulting video image will superimpose] with an instructional image superimposed onto an image of the user engaged in the activity; and

a first display device displaying the composite video signal to the user in a manner that allows the user to perform the activity while viewing the displayed signal.

48. (Amended) A method for providing real-time instructional feedback of a user engaged in an activity comprising:

forming a real-time video signal of the user engaged in the activity;

generating an instructional signal;

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combining the instructional signal and the real-time video signal to form a composite video signal [so that the resulting video image will superimpose] with an instructional image superimposed onto an image of the user engaged in the activity; and displaying the composite video signal to the user on a first display device in a manner that allows the user to perform the activity while viewing the displayed signal.

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